

Child & Family Services

July 25, 2013

To the Leadership of the
[REDACTED]

Thank you for meeting with us on July 16, 2013. It was helpful for us to hear directly from you how the members of your Leadership are determined / selected. It was also helpful for us to hear that it is the leadership of your community who must come to consensus around decisions including that which pertain to parenting and that the membership of your community will abide by the consensus decisions of the leadership.

We heard [REDACTED] and [REDACTED] explain 3 decisions that have recently been reached by consensus:

1. Community members will commit to "spanking children only with hands" on their butts.
2. That no parent or adult will use objects to discipline children.
3. That no parent or adult will leave marks or injuries left on children as a result of discipline.

This commitment is definitely a move in the right direction regarding safety for the children of your community.

Your leadership was advised that Canadian Law does not support physical discipline/correction or use of reasonable force on children under 2 years and over 12 years old. The agency advised that we would require a commitment from your community in this regard. You stated that you would discuss this as you were not aware of this law.

Below is a description of what the Supreme Court of Canada considers "reasonable force" (as taken from the Public Legal Education and Information Service of New Brunswick):



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What is considered reasonable force?

Since 'reasonable under the circumstances' is a broad term, the Supreme Court created a definition in relation to child discipline. The Court interpreted reasonable force as "minor corrective force" which is short-lived and not harmful. The Court also set limits on what would be considered reasonable force. This means that Courts have an objective test to apply when deciding whether the use of force is reasonable. As well, expert advice and social consensus on the reasonable use of corporal punishment reduces the risk that courts will make arbitrary or subjective decisions.

What limits did the Court set on reasonable force?

The Court determined that the following is not reasonable:

- Hitting a child under two years of age. It is wrong and harmful because spanking has no value with very young children and can destroy a child's sense of security and self-esteem. Children under two do not have the cognitive ability to understand why someone is spanking them.
- Corporal punishment of teenagers. It is not helpful and is potentially harmful to use force on teenagers because it achieves only short-term obedience and may alienate the youth and promote aggressive or other anti-social behaviour.
- Using objects to discipline a child such as belts, rulers, etc. This is potentially harmful both physically and emotionally.
- Slaps or blows to the head.
- Degrading or inhumane treatment.
- Corporal punishment which causes injury – (causing harm is child abuse).

It is important as we move toward returning the children that the following be understood and endorsed by the leadership of your community:

- That you provide the Agency with the whereabouts of [REDACTED] so that we may speak with [REDACTED] to assess [REDACTED] safety.
- That all parents in the community commit to not permitting anyone other than themselves to physically discipline/correct their children's behavior.
- That the Agency hear from sets of parents individually that they will not use implements (i.e. nothing other than their hand on the child's butt) to discipline their children.
- That parents will not leave any physical injuries (including marks, bruises, burns, cuts, breaks, etc) on their children in the course of disciplining and/or correcting behaviour.
- That the Agency hears from sets of parents individually that they will not use any form of physical discipline on children under 2 years old and over 12 years old.
- That the Agency hear from sets of parents individually that they will not pinch, pull hair, sit on, slap faces, pull/pinch ears, burn, withhold food, or have children stand or sit for extended periods of time as punishment/correction.

[REDACTED]

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- [REDACTED]
- That no children be placed with or left unsupervised with [REDACTED] and [REDACTED] until they are able to demonstrate safety for children.
- That when children are returned home, parents will permit access of outside professionals to assess ongoing safety of the children.
- That you and the Agency will participate in the resolution process with the "Restoration Team" which will include members of your community, helpers you have identified and one or two Agency representatives.
- That parents will continue to participate in supervised visitation with their children while following the guidelines set out for these visits.
- That parents will not speak with the children about their disclosures, the apprehension or the return of the children during visits, unless this is part of a therapeutic process facilitated by the social worker.
- That parents and community members not interfere with the placements of the children (this means that children must not be encouraged or assisted in running away from their placements).
- That if any of the children in care should run away from their placements, you will inform the Agency immediately if you or anyone else has knowledge of their whereabouts (this includes [REDACTED]).
- That parents will, over time (and with the assistance of the Restoration Team) demonstrate to Child and Family Services a clear understanding of healthy child development, appropriate and non-abusive discipline practices, and a commitment to protecting your children.
- That all children are protected from abuse by community members and that any community members who do abuse will not have unsupervised access to the children of the community.
- That the community work collaboratively with the Agency and workers and that parents contact workers if they have questions or concerns regarding their children.
- That the adults of the community attend and participate in the parenting program that is being developed by the Manitoba Mennonite Central Committee.

Given the Agency's level of worry about the safety of your children in the community based on children's disclosures of excessive physical discipline/child abuse, it is imperative that the above be agreed to by all parents in the community and endorsed by the leadership of the community.

Submitted by the CFS Leadership: [REDACTED]

Cc: Restoration Committee
[REDACTED]